



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 17, 2023

By ECF

The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Smart Agunbiade,
S1 21 Cr. 609 (LAP)

Dear Judge Preska:

The Government respectfully submits this letter motion to request that the Court accept defendant Smart Agunbiade's guilty plea allocution, made before Magistrate Judge Stewart D. Aaron on February 15, 2023. The transcript of that proceeding and the text of a proposed order are appended hereto. The Government is also submitting a preliminary order of forfeiture that was signed by both parties pursuant to the parties' plea agreement.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: _____ /s/
Kaylan E. Lasky
Matthew Weinberg
Assistant United States Attorneys
(212) 637-2315 / 2386

cc: Counsel of Record (via ECF)

-----x
:
UNITED STATES OF AMERICA

- v. -

:
[PROPOSED] ORDER

SMART AGUNBIADE,

: S1 21 Cr. 609(LAP)

Defendant.

:

-----x

WHEREAS, with the defendant's consent, his guilty plea allocution was made before United States Magistrate Judge Stewart D. Aaron on February 15, 2023;

WHEREAS, a transcript of the allocution was made and thereafter was transmitted to the District Court; and

WHEREAS, upon review of that transcript, this Court has determined that the defendant entered the guilty plea knowingly and voluntarily and that there was a factual basis for the guilty plea;

IT IS HEREBY ORDERED that the defendant's guilty plea is accepted.

SO ORDERED:

Dated: New York, New York
February ___, 2023

THE HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

N2F6AGUP

Plea

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
-----x

3 UNITED STATES OF AMERICA,

4 v.

21 CR 609 (LAP) (SDA)

5 SMART AGUNBIADE,

6 Defendant.
-----x

7
8 New York, N.Y.
9 February 15, 2023
10 10:05 a.m.

Before:

10 HON. STEWART D. AARON,

11 Magistrate Judge

12 APPEARANCES

14 DAMIAN WILLIAMS,
15 United States Attorney for the
Southern District of New York
16 BY: MATTHEW WEINBERG
Assistant United States Attorney

17 ARLO DEVLIN-BROWN
18 Attorney for Defendant

19 -and-

20 JEANNE JEONG
21 Attorney for Defendant

The plea is accepted.

23 SO ORDERED

Loretta A. Preska
24 LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

25 *2/21/23*

N2F6AGUP

Plea

1 (Case called)

2 DEPUTY CLERK: Counsel, please state your appearance
3 for the record.

4 MR. WEINBERG: Yes, good morning, your Honor. Matthew
5 Weinberg, appearing for the government.

6 THE COURT: Good morning.

7 MR. DEVLIN-BROWN: Good morning, your Honor. Arlo
8 Devlin-Brown and Jeanne Jeong, appearing for Mr. Agunbiade,
9 who's seated to my right.

10 THE COURT: Good morning. I understand we're here
11 this morning for the purposes of the defendant entering a plea.

12 MR. DEVLIN-BROWN: That's right, your Honor.

13 THE COURT: Mr. Agunbiade, I'm Magistrate Judge Aaron.
14 I have before me a document entitled Consent to Proceed Before
15 a United States Magistrate Judge on a Felony Plea Allocution.
16 Am I correct that you signed this document?

17 THE DEFENDANT: Yes, I did.

18 THE COURT: This form says you know you have the right
19 to have your plea taken by a United States district judge but
20 you're agreeing to have the plea taken by me, a United States
21 magistrate judge.

22 As a magistrate judge, I have the authority to take
23 your plea with ~~your~~ consent, and you will still be entitled to
24 all the rights and protections as if you were before a district
25 judge, among other things, if you're found guilty, you will be